

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

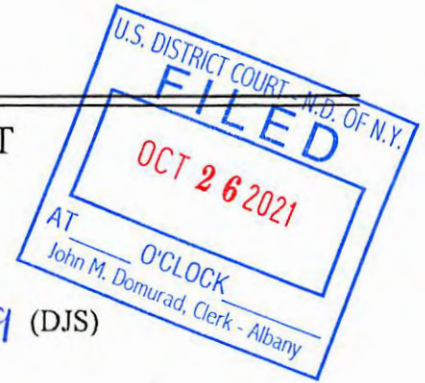
UNITED STATES OF AMERICA

v.

JAMIE JOHNSON, A/K/A JAMES C.
JOHNSON

Defendant.

Case No. 1:21-MJ- 509 (DJS)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 5, 2020 in the county of Albany in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 1341

Mail Fraud

Offense Description

This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

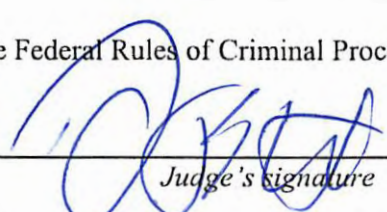

 Complainant's signature

HSI Special Agent Timothy W. Irving

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: October 26, 2021


 Judge's signature

City and State: Albany, New York

Hon. Daniel I. Stewart, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

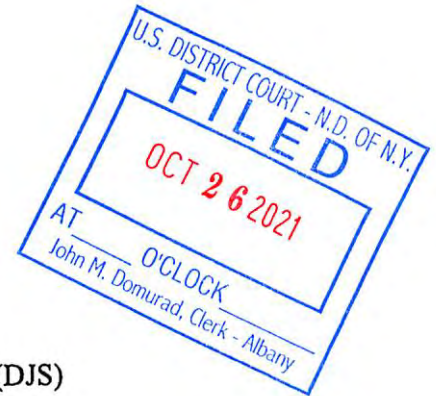
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JAMIE JOHNSON, A/K/A JAMES C.
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Defendant.

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Filed Under Seal



AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Timothy W. Irving, a Special Agent with Homeland Security Investigations ("HSI"), being duly sworn, depose and state as follows:

INTRODUCTION

1. I make this affidavit in support of a criminal complaint charging Jamie Johnson ("Johnson") with mail fraud committed in violation of 18 U.S.C. § 1341.

2. I am a Special Agent with HSI, an agency of the U.S. Department of Homeland Security, based in Latham, New York. I have been employed in that capacity since April 2007. I was previously employed as a Customs and Border Protection Officer in Alexandria Bay, New York and as a Customs and Border Protection Agriculture Specialist in Boston, Massachusetts. During my tenure at HSI, I have gained education and experience in investigating cases involving suspected financial crimes.

3. I am familiar with the facts of this case based, among other things, on my personal involvement in this investigation and my conversations with other law enforcement officers and government agents, as well as my review of various reports and documents in connection with the matter. This affidavit is intended to show merely that there is sufficient probable cause for a criminal complaint and does not set forth all of my

knowledge about this matter. Where statements of others are related in this affidavit, they are related in substance and in part.

BACKGROUND OF JOHNSON AND THE FRAUD SCHEME

4. Johnson, age 36, is a transgender woman also known as James C. Johnson. At all times relevant to this affidavit, Johnson was a resident of Albany, New York. As alleged in this affidavit, from in or around October 2020 through July 2021, Johnson engaged in a mail fraud scheme to obtain unemployment insurance benefits in the name of another person in violation of 18 U.S.C. § 1341.

BASIS FOR A PROBABLE CAUSE FINDING

Overview of Unemployment Insurance Programs

5. In response to the COVID-19 pandemic, the federal government promulgated unemployment insurance benefit programs to assist eligible workers. In addition to traditional state unemployment benefit programs, applicants could apply for pandemic-related federal programs, including Pandemic Unemployment Assistance (“PUA”). At all times relevant to this affidavit, PUA provided benefits to those who were self-employed, seeking part-time employment, or otherwise would not qualify for traditional or extended unemployment insurance benefits under state or federal law. Furthermore, the federal programs included, at all times relevant to this affidavit, a series of initiatives providing \$300 to \$600 of additional weekly benefits for those receiving unemployment insurance benefits.

6. In the State of New York, the federal unemployment insurance programs were administered by the New York State Department of Labor (“NYSDOL”).

Applicants could apply for benefits online via NYSDOL's website or by telephone via a toll-free NYSDOL service line. In order to submit a claim, applicants were required to provide personal identifying information, such as their names, birthdates, and Social Security numbers, as well as their mailing addresses and bank account information. NYSDOL engaged KeyBank, N.A. ("KeyBank") to provide debit cards linked to unemployment insurance-specific accounts for beneficiaries who did not provide bank account information as part of their applications. The debit cards could be used to withdraw cash from automated teller machines ("ATMs") and make online payments and point-of-sale purchases.

NYSDOL Unemployment Insurance Claim in the Name of A.M.

7. On or about October 7, 2020, Johnson received a text message from an individual she named "Lil Man" in her phone stating that he "got another unemployment lmk if you can put it in for she had a job and allat . . . She work with me." Johnson responded, "[t]hat fine," which I understand to be an indication that Johnson could file an unemployment insurance claim in A.M.'s name, even though A.M. was employed. "Lil Man" then forwarded a photo of a sheet of paper to Johnson. Handwritten on the paper was the name of an individual with the initials A.M., as well as A.M.'s Social Security number, birthdate, and state identification card number.

8. NYSDOL records reflect an unemployment insurance claim made in A.M.'s name using her birthdate, Social Security number, and state identification card number on or about October 27, 2020. KeyBank records show the bank sent an unemployment insurance debit card issued in A.M.'s name to an address in Albany, New

York on November 5, 2020 via a private and commercial interstate carrier. Between November 2020 and July 2021, NYSDOL reported transferring approximately \$55,000 to the KeyBank account associated with the claim in A.M.'s name.

9. On or about February 23, 2021, Johnson received a text message from A.M., who had separately corresponded with Johnson regarding unemployment insurance claims in the names of others beginning on or about October 31, 2020. A.M. told Johnson she was "having a major issue with unemployment. They say a claim is in my name and has been for a while now and someone somewhere here in albany is receiving benifits with my name an ss#.plus the pandemic benefits. As i am here struggling to feed my kids." Johnson later wrote to A.M. via text message "Your putting my sister career in danger and the ppl close to her aren't gonna take to that nicely your putting yourself and children in danger" and "You gave him your information willingly . . . If you do some weird she your going to jail and so is my sister."

10. Other text messages between A.M. and Johnson reveal that A.M. applied for the Supplemental Nutrition Assistance Program but had been told she was ineligible because she was receiving unemployment insurance benefits. A.M. informed the Albany County Department of Social Services ("Albany DSS") that she did not make the unemployment insurance claim in her name or receive any benefits from NYSDOL. Albany DSS referred the matter to the New York State Office of the Welfare Inspector General ("OWIG") for further investigation. OWIG investigators reviewed surveillance videos of ATM transactions conducted using the KeyBank debit card associated with the claim in A.M.'s name. Investigators did not observe A.M. using the debit card in the

surveillance footage. Instead, the footage repeatedly showed Johnson using the A.M. debit card to withdraw cash from ATMs. For example, on or about June 24 and 29, 2021, KeyBank surveillance cameras captured the below images of Johnson using the A.M. debit card at drive-up ATMs in Colonie and Albany, New York. Johnson was filmed in the driver's seat of a black Maserati sport utility vehicle ("SUV") on both occasions. Another individual, who is not identified in this affidavit, accompanied Johnson in the front passenger's seat.

June 24, 2021 ATM Surveillance Image of Johnson using the A.M. Debit Card






11. Additionally, NYSDOL records reflect multiple Internet Protocol (“IP”) addresses accessed the claim in the name of A.M. from in or around November 2020 through July 2021. Internet service provider records show that three of these IP addresses were registered at Johnson’s former residence in Albany, New York to an individual she described to me as her former boyfriend.

CONCLUSION

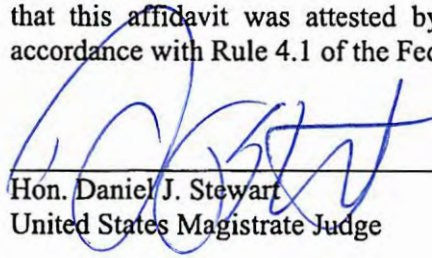
12. Based upon the foregoing, there is probable cause to charge Johnson with mail fraud committed in violation of 18 U.S.C. § 1341.

Attested to by the affiant:



Timothy W. Irving
Special Agent
Homeland Security Investigations

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on October 26, 2021 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Daniel J. Stewart
United States Magistrate Judge